

ITEMS DISCUSSED

1. CALL TO ORDER / EXECUTIVE SESSION: COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS (RCW 42.30.140) AND PROPERTY DISPOSITION (RCW 42.30.110(1)(c))
2. ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATION – GREEN POWER CHALLENGE
5. STAFF INTENSIVE
 - A. RESOLUTION NO. 2013-05, CITY COMMITTEES AND COMMISSIONS, AB13-016
6. COUNCIL DISCUSSION
 - A. PUBLIC COMMENT ON WATER SYSTEM MANAGEMENT OPTIONS
 - B. LETTER SUPPORTING KITSAP PENINSULA WATER TRAILS PLAN BEING DESIGNATED AS PART OF THE NATIONAL WATER TRAILS SYSTEM, AB 13-014.
7. REGIONAL COMMITTEE REPORTS
8. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS/SCHEDULE WARD MEETINGS
9. FOR THE GOOD OF THE ORDER
10. SHORELINE MASTER PROGRAM UPDATE: POINT MONROE SPECIAL PROVISIONS, NONCONFORMING DEVELOPMENT (SSB 5451)
11. ADJOURNMENT

1. CALL TO ORDER / EXECUTIVE SESSION: COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS (RCW 42.30.140), PROPERTY DISPOSITION (RCW 42.30.110(1)(c)) AND PROPERTY ACQUISITION (RCW 42.30.110(1)(b)). Mayor Pro Tem Ward called the meeting to order at 6:01 pm and immediately adjourned the meeting to executive session with legal counsel to discuss collective bargaining negotiations, issues or proceedings, property disposition and property acquisition. The recording system was turned off and the door to Council Chambers was posted. Mayor Pro Tem Ward re-convened the meeting at 6:59 pm and reported that no action was taken.

2. ROLL CALL.

A quorum was present consisting of Councilmembers Blair, Blossom, Hytopoulos, Lester, Scales, Ward and Mayor Bonkowski. Deputy City Clerk/Paralegal Brown monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE. There were no additions or deletions to the agenda.

***MOTION:** I move that we approve the agenda.*

***BLAIR/LESTER** – The motion carried unanimously, 7 -0.*

Mayor Bonkowski disclosed that he recently purchased a house in Point Monroe, but he has been advised that this does not preclude his participation in the Shoreline Master Program discussions.

4. PRESENTATION – GREEN POWER CHALLENGE. Puget Sound Energy's Efficient Communities Coordinator for Western Region, Cathie Currie, introduced Heather Mulligan, Puget Sound Energy Green Power Market Manager, and Jonathan Davis from Sustainable Bainbridge. Heather Mulligan explained the Green Power Program, a voluntary program to support sustainable energy, and the Green Power Community Challenge. Cathie Currie, also a board member of Sustainable Bainbridge, added that Sustainable Bainbridge has voted to support the program and said that the next step is for the City Council to accept a letter of intent which outlines the program and the partnership.

5. STAFF INTENSIVE. City Manager Schulze introduced Jim Haney, Interim City Attorney, from Ogden Murphy Wallace P.L.C.C.

A. RESOLUTION NO. 2013-05, COMMITTEES AND COMMISSIONS, AB 13-016. 7:12:31 PM City Manager Schulze introduced the resolution. Council discussed the resolution and the advisability of setting a maximum number of members for non-statutory committees and providing a description of each committee's purpose and required qualifications for members.

7:25:22 PM Vince Larson, Road Ends Committee, spoke about the importance of having at least seven members on the Road Ends Committee.

7:27:00 PM Don Fischer, Road Ends Committee, asked Council not to reduce their number.

7:27:36 PM Bruce Weiland said that each committee has a different scope and charge and may need a different number of members.

7:28:21 PM Sally Adams recommended that Council ask the committees how many members they require.

Councilmember Scales suggested advertising once or twice a year for all committee openings. The consensus of Council was to move this item to the next meeting for further discussion.

6. COUNCIL DISCUSSION.

A. PUBLIC COMMENT ON WATER SYSTEM MANAGEMENT OPTIONS. 7:32 PM Mayor Pro Tem Ward invited public comment on water system management options.

7:33:31 PM Dick Allen, President of Bainbridge Ratepayers Alliance, objected to the City's charges to the water fund under KPUD management's proposal.

7:37:11 PM Bob Bosserman spoke about the benefits of sharing allocated costs among the utilities. He asked for additional analysis of the effects of outsourcing the water utility management.

7:40:13 PM Barry Peters provided reasons for the City to continue to manage the water utility.

7:43:31 PM Bruce Weiland spoke about good government and making evidence-based decisions.

7:46:56 PM Gary Tripp questioned the cost of the management option.

7:49:16 PM Randall Samstag questioned the idea of the management contract and provided background on the utility issue.

7:52:35 PM Kevin Delorey asked about the effect on the rates and the utility tax.

7:54:24 PM Sally Adams spoke about the effects on the ratepayers of City policies and asked that the City contract out the management of the water utility.

Council discussed the issues, including administrative costs and the impact of transferring the water utility management on the City. Council asked City Manager Schulze to report back to Council with additional information at the next Council meeting.

B. LETTER SUPPORTING KITSAP PENINSULA WATER TRAILS PLAN BEING DESIGNATED AS PART OF THE NATIONAL WATER TRAILS SYSTEM, AB 13-014. 8:46:06 PM Mayor Bonkowski introduced the letter in support of the designation of Kitsap Peninsula Water Trails Plan as part of the National Water Trails System.

***MOTION:** I move that the City Council authorize Mayor Bonkowski to sign the letter to Secretary of the Interior to request the designation of the Kitsap Peninsula Water Trails Plan as part of the National Water Trails System.*

***BLAIR/LESTER** – The motion carried unanimously, 7 -0. 8:51:34 PM*

7. REGIONAL COMMITTEE REPORTS. 8:51:51 PM Councilmember Lester provided an update on the recent meeting of Kitsap Regional Coordinating Council (KRCC). She said that KRCC has a budget shortfall, and it may be necessary to ask Council for a budget amendment. She added that their formula for dues is also being discussed. She reported on a meeting she attended with Councilmember Blair on the Suquamish casino's five-year plan, and said the expansion plans have put improvement plans for the intersection of Highway 305 and Suquamish Way on hold.

8. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS / SCHEDULE WARD MEETINGS. 8:55:19 PM City Manager Schulze reviewed the February 13, 2013 agenda and said the City Manager report on water utility management would be added as item 4(d). Council agreed to strike item 5, proposed vote on water utility management. The Green Power Challenge letter of intent was added to the consent agenda. Mayor Pro Tem Ward reviewed the long-range agendas. A briefing on the new canine program was added to the agenda on February 27, 2013, and the HDDP committee will report back to Council in April. Mayor Bonkowski asked that Public Works present information on contract awards at study sessions followed by placement on the Council's consent agenda. He also requested the addition of a report on the status of the City Manager's quarterly goals every six weeks.

9. FOR THE GOOD OF THE ORDER. 9:02:10 PM Councilmember Lester announced the annual Bainbridge Island Land Trust potluck will be held on February 8, 2013 at Island School.

Mayor Pro Tem Ward adjourned the meeting for a five minute break at 9:03 pm. Mayor Pro Tem Ward re-convened the meeting at 9:09 pm.

10. SHORELINE MASTER PROGRAM UPDATE: POINT MONROE SPECIAL PROVISIONS, NONCONFORMING DEVELOPMENT (SSB 5451). 9:09:14 PM Planning Director Cook introduced the topics and discussed the approach to the Shoreline Master Program review. She said that the March 6, 2013 study session will be dedicated to additional topics Council wants to discuss. She asked that Council members submit their topics to Planning by February 20, 2013.

Planning Director Cook introduced the Point Monroe District provisions. Shoreline Planner Ericson described the process for developing the provisions, including Council guidance, community engagement, and the Herrera report on spit science. He briefly described pre-development conditions at Point Monroe, existing conditions at Point Monroe and the proposed recommendations. He said that the sand spit was divided into four separate divisions.

9:21:56 PM Shoreline Planner Ericson summarized State guidelines on the nonconforming issue and described the options of local jurisdictions. He provided information on SSB5451, including what it applies to and what it allows.

Mayor Pro Tem Ward invited public comment.

9:27:29 PM Dennis Reynolds spoke on behalf of his clients and requested a 25-foot buffer. He spoke against the nonconforming designation and asked for a consistency analysis.

9:31:04 PM John Keller supported Dennis Reynold's letter and spoke against the nonconforming designation and new buffers.

9:32:31 PM Tom Golon spoke against the nonconforming designation.

9:35:53 PM Jesse DeNike, Pacific Seafood Association, asked Council to discuss aquaculture at the March 6th City Council meeting.

9:37:54 PM Hal Snow, Point Monroe President, thanked staff, Council and Herrera for the process. He asked Council to reconsider over-water structure limitations.

9:41:24 PM Gary Tripp spoke against the nonconforming designation.

9:44:46 PM Charles Schmid asked Council to consider climate change and look ahead 20 years in connection with the Point Monroe recommendations.

9:48:08 PM Tom Newlon said he is generally supportive of the Point Monroe recommendations and spoke against the nonconforming designation.

9:51:03 PM Connie Golon commented on the flooding on the spit that she attributed to failures at Fay Bainbridge State Park.

9:52:01 PM Elise Wright pointed out that there is a difference between a nonconforming use and a nonconforming structure.

9:53:55 PM Larry Reid spoke against the nonconforming designation and regulations above state requirements.

9:56:19 PM Archie Myer spoke about his concerns regarding the regulations of overwater residences.

Council discussed the Point Monroe recommendations. In response to citizen comments, Barbara Nightingale, Department of Ecology, said that Council may allow a roof line change to an overwater structure and the addition of a second story under certain conditions. Council discussed overwater structures and the nonconforming issue.

10:11:33 PM Anne Ackenhusen spoke about appurtenant structures and asked that overwater structures be considered conforming.

***MOTION:** I move that we approve the Point Monroe District [provisions] with the addition that the overwater residences be allowed to change their roof line and add second stories up to whatever the 35 feet is as long as it does not increase the nonconformity.*

***BONKOWSKI/BLAIR** – The motion was withdrawn.*

Council asked staff to bring back the amended language for discussion and consideration.

Council discussed the nonconforming structure issue. Councilmember Hytopoulos noted that a nonconforming structure is different from a nonconforming use. Councilmember Blair proposed using the term “legacy conforming shoreline residence” in place of “nonconforming structure.” 10:31:38 PM Council discussed the proposal and the implications for upland nonconforming structures.

Councilmember Bonkowski suggested making a change to the proposed nonconforming regulations to allow Single Family Residential (SFR) appurtenant structures to be rebuilt if they are destroyed.

The consensus of Council was that the preliminary recommendation is not to change the term “nonconforming.” 11:24 PM Councilmembers Blossom, Ward and Mayor Bonkowski did not concur with the preliminary recommendation.

***MOTION:** As a preliminary change, to change the rebuild of destroyed on other appurtenances to “yes” from “no” on the nonconforming provisions.*

***BONKOWSKI/SCALES** – The motion passed 5-2 with Councilmembers Hytopoulos and Lester voting against. 11:26:13 PM*

Council asked staff to bring back a comparison with the treatment of upland properties at the March 6, 2013 study session.

11. ADJOURNMENT.

Mayor Bonkowski moved to adjourn and Councilmember Lester seconded the motion. Mayor Pro Tem Ward adjourned the meeting at 11:27:14 PM.



Christine Brown, Deputy City Clerk/Paralegal



Steven Bonkowski, Mayor